

April 12, 2002

AMENDED FINDING OF NO SIGNIFICANT IMPACT

To All Interested Agencies and Public Groups:

In accordance with the guidelines of the Council on Environmental Quality, at 40 Code of Federal Regulations (CFR), Part 1500, and the implementing procedures at 40 CFR Part 6, *Procedures for Implementing the Requirements of the Council on Environmental Quality on the National Environmental Policy Act*, the U. S. Environmental Protection Agency (EPA) has performed an environmental assessment (EA) of the following proposed action:

Applicant: City of Eagle Pass, Maverick County, Texas

Proposed Action: Funding assistance for the Regional Water Supply and Wastewater Management Systems Project through the Border Environmental Infrastructure Fund (BEIF), the State and Tribal Assistance Grants (STAG), the Economically Distressed Areas Program (EDAP), the Colonia Wastewater Treatment Assistance Program (CW TAP), the Development Fund II (DFund II), and the Drinking Water State Revolving Fund (DWSRF).

Total Estimated Regional Project Cost:	\$107,307,704
Total Estimated DWSRF Loan Assistance:	\$ 38,110,000
Total Estimated EDAP/CW TAP Grant/Loan:	\$ 43,845,404
Total Estimated DFund II TWDB Loan:	\$ 2,145,000
Total Estimated CWSRF Loan Assistance:	\$ 17,340,000
Total STAG Funds	\$ 867,300
Total NADBank/BEIF Grants:	\$ 5,000,000

Proposed Project. The city of Eagle Pass, located by the Rio Grande in southwest Texas, is proposing to construct a Regional Water Supply and Wastewater Management System (WSWMS) to service its planning area which includes the city of Eagle Pass, the Kickapoo Reservation, the areas north and south of Eagle Pass containing about 36 colonias, and the former El Indio Water Supply Corporation (WSC) service area now served by the city. The proposed project includes a water treatment plant (WTP), water storage, transmission mains, three wastewater interceptor lines, the Rosita Valley wastewater treatment plant (WWTP), and a recycled wastewater pipeline, pumping and transmission facilities from the Rosita Valley WWTP to the Kickapoo Reservation, and to the municipal golf course and park area for irrigation. Also, the existing Eagle Pass and El Indio water distribution systems will be repaired and upgraded.

Changes to the proposed Regional WSWMS project not previously evaluated include the new 244-acre site for construction of the Rosita Valley WWTP, replacement of the Rosita Valley 30-inch diameter interceptor line with two 18-inch diameter gravity sewer lines, a 79-acre sludge application site, replacement of the 10-inch diameter with 12-inch diameter gravity wastewater lines within Rick's Subdivision, and construction of the Regional Control and Administration Building.

Most of the new project areas have been in agriculture use, cleared in the past, or used for pasture. Portions of the proposed interceptor line will have minimal impact on prime farmland soils, limited to the 20-foot wide easement. None of these areas are considered habitat for endangered feline species. Archeological sites 41MV247, 41MV301, and 41MV303, located within the Rosita Valley WWTP site, are not considered significant. The route for the Rosita Creek pipeline is within the 100-year floodplain and will cross an ephemeral tributary of Rosita Creek and will be covered by U.S. Army Corps of Engineers Nationwide Permit 12.

Findings. This document is based on the Environmental Information Document dated May 2001 (updated July 2001, and amended December 2004, January 2005, and March 2005), for the Eagle Pass Regional Water and Wastewater Facilities Plan; the EA and Finding of No Significant Impact (FNSI) issued October 13, 2001, by the EPA for the wastewater project; the EA/FNSI issued October 18, 1991, by the Texas Water Development Board for the water project; and the Regional Water and Wastewater Facilities Plan prepared August 2001, and amended in 2004.

On the basis of these documents and other available information, the EPA Region 6 has made a preliminary determination that the proposed changes will not significantly affect the quality of the human environment and that preparation of an Environmental Impact Statement (EIS) is not warranted. This preliminary decision and the FNSI will become final after the 30-day comment period expires if no new information is provided to alter this finding. All comments will be taken into consideration and no administrative action will be taken during the 30-day comment period. Comments regarding this preliminary decision not to prepare an EIS may be submitted to the U.S. Environmental Protection Agency, Office of Planning and Coordination (6EN-XP), 1445 Ross Avenue, Dallas, Texas 75202-2733. Copies of the EA and requests for review of the Administrative Record containing the information supporting this decision may be requested in writing at the above address, or by telephone at (214) 665-8150.

Responsible Official,

John Blevins
Director
Compliance Assurance
and Enforcement Division

Enclosure

**AMENDED ENVIRONMENTAL ASSESSMENT
FOR THE PROPOSED
REGIONAL WATER AND SEWER PROJECT
CITY OF EAGLE PASS, MAVERICK COUNTY, TEXAS**

1.0 PROJECT DESCRIPTIONS

1.1 Background. The city of Eagle Pass, located by the Rio Grande in southwest Texas, is proposing to construct a Regional Water Supply and Wastewater Management System (WSWMS) to service its planning area which includes the city of Eagle Pass, the Kickapoo Reservation, the areas north and south of Eagle Pass containing about 36 colonias, and the former El Indio Water Supply Corporation (WSC) service area now served by the city. The proposed project includes a water treatment plant (WTP), water storage, transmission mains, acquisition of approximately 5,068 acre-feet of water rights, three wastewater interceptor lines, the Rosita Valley wastewater treatment plant (WWTP), and a recycled wastewater pipeline, pumping and transmission facilities from the Rosita Valley WWTP to the Kickapoo Reservation, the municipal golf course, and park area for irrigation. Also, the existing Eagle Pass and El Indio water distribution systems will be repaired and upgraded.

1.2 Proposed Amendments. Changes to the proposed Regional WSWMS project that were not evaluated previously include the new 244-acre site for construction of the Rosita Valley WWTP, 6,700 linear feet (l-ft) of 24-inch line to a discharge outfall point on the Rio Grande, replacement of the 25,900 l-ft Rosita Valley 30-inch diameter interceptor line with two 18-inch diameter gravity interceptor lines totaling 38,500 l-ft, manholes, cleanouts, and other appurtenances, a 79-acre sludge application site, replacement of approximately 4,550 l-ft of existing 10-inch diameter with 12-inch diameter gravity wastewater lines within Rick's Subdivision, and construction of the Regional Control and Administration Building (RCAB).

1.3 Funding. Financial assistance for the proposed Regional WSWMS project was obtained through the Border Environmental Infrastructure Fund (BEIF) administered by the North American Development Bank (NADBank), the EPA's State and Tribal Assistance Grants (STAG) Appropriation Act Fiscal Year 2003 account, the Economically Distressed Areas Program (EDAP), the Colonia Wastewater Treatment Assistance Program (CWTAP), the Drinking Water State Revolving Fund (DWSRF), and the Development Fund II (DFund II) administered by the Texas Water Development Board (TWDB).

Total Estimated Regional Project Cost:	\$107,307,704
Estimated DWSRF Loan Assistance	\$ 38,110,000
Estimated EDAP/CWTAP Grant/Loan	\$ 43,845,404
Estimated CWSRF Loan Assistance	\$ 17,340,000
Estimated BEIF/NADBank Grants	\$ 5,000,000
Estimated DFund II TWDB Loan	\$ 2,145,000
Estimated EPA STAG Funds	\$ 867,300

1.4 Alternatives Considered. New sites for construction of the Rosita Valley WWTP were evaluated after negotiations to acquire the originally proposed site were unsuccessful. The originally proposed Rosita Valley interceptor line was replaced with two new interceptor lines to the relocation site and the 79-acre sludge application site. The alternatives contained in the original FNSI/EA remain valid.

Alternatives considered for construction of the proposed RCAB included the “No-action Alternative,” an “Expansion Alternative,” and several different sites associated with the “New Facility Alternative.” The “No-action Alternative” would not address the purpose and need for a command center with office space to manage and control the Regional WSWMS, the emergency response and public safety and public works activities. The “Expansion Alternative” would expand the existing Eagle Pass Water Works System (EPWWS) administrative structures. However, the EPWWS site is adjacent to an established school and acquisition of the site would be difficult. Several sites were considered for construction of a new facility. The 1.3-acre site located northwest of the intersection of Second Street and Veteran’s Boulevard, purchased for construction of the Vista Hermosa water storage tank, was determined to be the preferred site to house both the water tank and the RCAB. The site is cleared but has not been developed and does not contain any improvements.

1.5 Recommendation. Approval of funding for the proposed changes to the proposed Regional WSWMS and the RCAB is recommended. The Amended Finding of No Significant Impact (FNSI) and Amended Environmental Assessment (EA) documents are based on the Amended Environmental Information Documents (EID), the previous FNSI/EA documents issued by EPA for the regional wastewater project and components of the regional water supply improvements, the FNSI issued by the TWDB for the regional water supply improvements and the single wastewater interceptor, the DWSRF and CWTAP FNSIs, and the amended Facilities Plan for the combined regional project presently under construction. The proposed amendments individually, cumulatively, or in conjunction with any other action will not have any significant adverse effect on the quality of the environment, and are considered to be cost-effective and environmentally sound.

2.0 ENVIRONMENTAL SETTING AND POTENTIAL IMPACTS

2.1 Site Description. The environmental setting, potential impacts of the proposed project, and mitigative measures to reduce or eliminate those impacts remain as developed in the original EA/FNSI documents. Most of the new project areas have been in agriculture use, cleared in the past, or used for pasture. Portions of the proposed interceptor line will have minimal impact on prime farmland soils and will be limited to the 20-foot wide easement. None of these areas are considered habitat for endangered feline species. Archeological sites 41MV247, 41MV301, and 41MV303, located within the Rosita Valley WWTP site, are not considered significant. The route for the Rosita Creek pipeline is within the 100-year floodplain. It will cross an ephemeral tributary of Rosita Creek and will be covered by U.S. Army Corps of Engineers (COE) Nationwide Permit 12.

2.2 Surface Water. The International Boundary Water Commission (IBWC) has jurisdiction over water quality, conservation and use issues of water projects along the U.S.-Mexico international border and inland into both countries. The IBWC originally reviewed this project in 2001, and commented that proposed projects in or near the Rio Grande must be coordinated with them. The intake and outfall structures to the Rio Grande involve crossing properties owned or managed by the agency and require a license from the agency. The IBWC must review and approve the final engineering design of the structures to be constructed. The BECC was established to help preserve, protect, and enhance the environment of the border region. The IBWC has jurisdiction over water quality, conservation and use issues of water projects along the U.S.-Mexico international border and inland into both countries. In carrying out its mission, the BECC cooperates with the International Boundary Water Commission (IBWC), the North American Development Bank (NADBank) and other agencies.

The Texas Parks and Wildlife Department (TPWD) reviewed the project amendments and recommended that (1) construction in stream crossings be limited to periods of minimal flow, (2) removal of fencerow vegetation be avoided and allowed to remain within the buffer area, (3) construction activities that would result in the removal of nests and nest structures, or clearing and/or trampling vegetation be scheduled to avoid the general bird nesting season of March through August, (4) vegetation clearing be limited to minimize destruction of stream bank stabilizing vegetation, (5) Best Management Practices be used at stream crossings to limit erosion, and siltation or sedimentation, and (6) native plants be used in revegetation, with a two year post-construction monitoring period.

2.3 Floodplain Management and Wetland Protection. The COE reviewed the project amendment and determined that the project will not involve activities subject to the requirements of Section 10 of the Rivers and Harbors Act of 1899. The project, however, will involve activities subject to the requirements of Section 404 of the Clean Water Act and will require COE authorization. Construction of the pipelines continue to be authorized under Nationwide Permit 12 for Utility Line Activities. Other environmental considerations, potential impacts of the proposed project, and mitigative measures to reduce or eliminate those impacts remain as developed in the original FNSI/EA documents.

2.4 Endangered Species and Migratory Bird Protection. Requirements developed for the original project to protect sensitive species and areas remain valid for the current amendment. The U. S. Fish and Wildlife Service has reviewed the amendment and determined that no further work is necessary. The TPWD reviewed the amendment and recommended limiting vegetation clearing within the buffer zones proposed at the Rosita Valley WWTP and scheduling vegetation clearing that would disturb the nesting areas of migratory birds to avoid the nesting season.

2.5 Socio-economics and Environmental Justice Consideration. The best and worst case rate increases in the average monthly water bill for residential customers are estimated to be \$18.76 and \$44.06, respectively, \$12.46 and \$46.75 for the average monthly wastewater bill, and \$31.22 and \$90.81 for the combined best and worst case monthly water and sewer bills. The grant and loan funding assistance would help make the actual water and sewer rates affordable. Most

residents in the project area qualify for low-income hook-up assistance through the BEIF transition funds provided by the NADBank, which pays debt service and other costs needed to enable municipalities to phase in rate increases and make them more amenable with the income levels of the area.

2.6 Cultural Resources. An archeological survey of the amended project conducted in September and October of 2004, identified several archeological sites in the area of potential effect for the Rosita Valley WWTP and Rosita Valley interceptor sewer. These included previously recorded site 41MV247, and new sites 41MV301-303. Only site 41MV303 was considered to have a potential for buried intact deposits in the project area that might be significant and potentially eligible for listing on the National Register of Historic Places or as a State Archeological Landmark. Only the area of site 41MV247 within the pipeline right-of-way was assessed for potential significance. Limiting construction impacts to areas of site 41MV247 outside of the pipeline right-of-way and avoidance of potentially significant areas of site 41MV303 during construction, operation, and maintenance of the Rosita Valley WWTP were recommended by the archeological consultant. The State Historic Preservation Officer (SHPO) concurred with this assessment. The procedures and conditions applicable to cultural resources encountered during construction contained in the October 2001 FNSI remain in force.

3.0 DOCUMENTATION, COORDINATION AND PUBLIC PARTICIPATION

A Public Hearing on the amended EID was held on December 18, 2004. The hearing was properly advertised in a public notice published in the *Eagle Pass News-Guide* at least 30 days in advance. No members of the general public were in attendance. Coordination with the appropriate government agencies has been made and all comments received have been addressed. Copies of this Amended EA will be provided to the following agencies for final review and comment. Interested parties may request a copy of the Amended EA in writing from the EPA, Office of Planning and Coordination (6EN-XP), 1445 Ross Avenue, Dallas, Texas 75202-2733, or by telephone at (214) 665-8150.

U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service
Natural Resources Conservation Service
Rural Development Agency
International Boundary and Water Commission
Border Environment Cooperation Commission
North American Development Bank
Texas Historical Commission
Texas Parks and Wildlife Department
Texas Commission on Environmental Quality
Texas Water Development Board
City of Eagle Pass Floodplain Administrator
Maverick County Floodplain Administrator
Kickapoo Traditional Tribe

4.0 MAPS AND CORRESPONDENCE LETTERS

5.0 REFERENCES

Environmental Assessment and Finding of No Significant Impact for the city of Eagle Pass. Prepared by the Texas Water Development Board in association with SRF Project No. 2427-001. October 18, 1991.

Environmental Information Document for the Eagle Pass Regional Water and Wastewater Plan. Prepared by Blanton & Associates, Inc., and Groves & Associates, Inc. May 2001 (updated July 2001, and amended December 2004, January 2005, and March 2005).

Regional Water and Wastewater Facilities Plan. Prepared by Groves and Associates, Inc., Metcalf & Eddy; Estrada Hinojosa & Company, Inc., and Escamilla & Poneck, as amended by Tetra Tech, Inc. August 2001 (amended 2004).

Environmental Assessment and Finding of No Significant Impact for the city of Eagle Pass wastewater project. Prepared by the U.S. Environmental Protection Agency, Region 6. October 13, 2001.

Regional Control and Administration Building, Regional Water and Wastewater Facilities Plan. Prepared by Tetra Tech, Inc. March 2005.